

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 15, 2012

Elisabeth A. Shumaker
Clerk of Court

TALISHA WINSTON; MARIANNE
BACCUS; KORDEL BACCUS,

Plaintiffs - Appellees,

v.

CLARENCE BACCUS; MYRA
BACCUS, individually and as Mother and
next friend of K.B. and K.B., minor
children, a/k/a Myra Hawthorne;
LASHAUNNA BACCUS; ROSA
BACCUS,

Defendants - Appellants.

No. 12-7062
(D.C. No. 6:10-CV-00389-JHP)

ORDER

Before **MURPHY, TYMKOVICH**, and **HOLMES**, Circuit Judges.

Several parties to the district court proceedings seek to appeal from the minutes entered by the district court on August 17, 2012. Upon review of the file materials for this matter, the court orders this appeal dismissed for lack of jurisdiction.

This court's appellate jurisdiction is generally limited to review of final decisions. *See* 28 U.S.C. § 1291 (courts of appeals have jurisdiction over appeals from final decisions of the district courts); *U.S. v. Nixon*, 418 U.S. 683, 690-92 (1974); *Albright v. Unum Life Ins. Co.* 59 F. 3d 1089, 1092 (10th Cir. 1995). A final decision under 28 U.S.C. § 1291 is one that terminates "all matters as to all parties and causes of action."

D & H Marketers, Inc. v. Freedom Oil and Gas, Inc. 744 F. 2d 1443, 1444 (10th Cir. 1984).

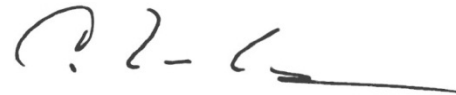
Based on a review of the district court's docket, it appears that this matter remains pending before the district court and that no final ruling has been made as to the distribution of the insurance proceeds. We note that, in its minute order of August 31, 2012, the district court expressly stated that no judgment had been entered and that, in its minute order of September 28, 2012, the district court stated that "[its] objective is to set this matter for trial and/or final distribution of proceeds." Accordingly, this court concludes that no final, appealable decision has as yet been entered. The court further concludes that no exception to the finality rule is applicable here.

This appeal is dismissed for lack of jurisdiction. All pending motions are denied.

When the district court issues a final decision in this matter, the parties may file a new appeal, in compliance with the court rules, if they wish.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Christine Van Coney', with a long horizontal stroke extending to the right.

by: Christine Van Coney
Counsel to the Clerk